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September 1, 2011

VIA ECF

The Honorable Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Bouzzi, et al. v. F&J Pine Restaurant LLC, et al., 10-CV-00457 (DLI)(CLP)

Dear Judge Irizarry:

We represent Plaintiffs in the above-referenced action and write in response to Defendants' request for a one month extension of time to serve objections to the Report and Recommendation of Magistrate Judge Cheryl L. Pollak, dated August 19, 2011. Although Defendants' counsel, Christopher Smith, Esq., states that he has "no reason to believe [Plaintiffs] would not consent" to this request, Plaintiffs in fact do not consent to this request for an extension of time. While Defendants' counsel also notes that he "attempted several times without success to contact Plaintiffs' counsel and determine whether they consent to the adjournment," Mr. Smith fails to note that my out-of-office message clearly stated that I would be out of the office on August 31, 2011, as yesterday I was attending my firm's annual retreat. Thus, Mr. Smith's submission of his request for an extension of time without awaiting my return to the office today was patently improper.

There are several reasons for Plaintiffs' objection to this request. First, the parties reached the underlying settlement agreement in principle on May 31, 2011, and any further delay to the ability of the individual Plaintiffs to deposit their settlement checks is of great prejudice to them. Second, there is no reason that Defendants cannot submit their anticipated objections to the Report and Recommendation for Your Honor's consideration while Magistrate Judge Pollak is also considering Defendants' request for a partial sealing order. Third, a one month extension of time is egregiously lengthy given the circumstances.

Therefore, in light of the above, Plaintiffs object to Defendants' unilateral request for a one month extension of time to submit objections to the Report and Recommendation.

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Thank you for your consideration in this regard.

Respectfully submitted,

/s/
Basil C. Sitaras

cc: Christopher Smith, Esq. (via ECF)